

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 23-mj-97

MICHAEL BEVILL

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

In or about July 2023 to in or about August 2023, the exact dates being unknown, in the County of Niagara, in the Western District of New York, and elsewhere the defendant, **MICHAEL BEVILL**:

Did employ, use, persuade, induce, entice, and coerce any minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce; and the visual depiction was transported using any means facility of interstate and foreign commerce, in violation of Title 18, United States Code 2251(a).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Affidavit and Criminal Complaint submitted electronically. Oath administered, and contents, signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1.

Date: September 8, 2023

City and State: Buffalo, New York



Complainant's signature

S.R. MILLER, Special Agent, FBI

Printed name and title



Judge's signature

HONORABLE H. KENNETH SCHROEDER JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, S. R. Miller, a Special Agent with the Federal Bureau of Investigation, being duly sworn, hereby depose and state as follows:

1. I have been employed as Special Agent at the Federal Bureau of Investigation since 2007. I am currently assigned to the Buffalo Field Office Child Exploitation Task Force which targets individuals involved in the on-line sexual exploitation of children. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252 and 2252A.

2. I have participated in various FBI mandated and volunteer training in the area of child pornography, as defined in Title 18, United States Code, Section 2256(8), and child exploitation, including in the investigation and enforcement of federal child pornography laws in which computers are used as the means to receive, transmit, distribute, access, and store child pornography.

3. I make this affidavit in support of a criminal complaint charging **MICHAEL BEVILL (hereinafter "BEVILL")** with violating Title 18 U.S.C. Sections 2251(a) [production of visual depictions of a minor engaging in sexually explicit conduct].

4. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers involved in this investigation, and upon my training and experience. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included

each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that **BEVILL** violated Title 18, United States Code, Section 2251(a).

I. FACTUAL BASIS

5. On September 6, 2023, FBI Philadelphia contacted your Affiant regarding a subject in FBI Buffalo's area of responsibility who is producing files of child pornography with a pre-pubescent minor male ("VICTIM 1"). FBI Philadelphia's investigation involved communications that were being transmitted via the messenger application Telegram. Telegram is an internet based instant messaging service where users can send and receive messages, in addition to videos and images, as well as other features and information.

6. Through their investigation, FBI Philadelphia identified Telegram user "**Baseball Luvr**", communicating and exchanging messages with another Telegram account user "**Mac**". Through law enforcement's review of the communications between the Telegram "**Baseball Luvr**" account and the Telegram account "**Mac**", law enforcement observed conversations related to sexual material, wherein "**Mac**" shared files of himself sexually abusing VICTIM 1. For instance, in some of the visual depictions that were sent via the Internet through the messaging application, the defendant's face and body is apparent, making the defendant recognizable.

7. On September 6, 2023, FBI Philadelphia sent a request to FBI Headquarters (FBIHQ) asking for assistance in identifying VICTIM 1 and Telegram user "**Mac**". To aide in identifying the person who was using the Telegram account "**Mac**", FBI Philadelphia

submitted photographs that Telegram user “**Mac**” had sent via the Telegram messaging application where he showed his face in the visual depictions. On or about September 7, 2023, FBIHQ provided information identifying BEVILL as the Telegram user “**Mac**”. By using internal investigative techniques, BEVILL was identified the person in the photographs that FBI Philadelphia sent to FBIHQ, and BEVILL was identified as an individual residing in the Western District of New York at 3015 Birch Avenue, Niagara Falls, New York 14305.

8. On or about September 7, 2023, your Affiant reviewed some of the files and chats that sent via the Telegram messaging application between “**Mac**” and “**Baseball Luvr**”.

A description of some of these files are detailed below:

- a. **197.mp4** – this 21 second color video depicts BEVILL holding the wrist of a minor’s left arm and uses the minor’s hand to masturbate his erect penis. During the video, BEVILL shows his face, and his tattoos are visible on the left side of his chest and left forearm.
- b. **150.mp4** – this 26 second color video depicts an adult male masturbating above a pre-pubescent male who is covered up with a gray-patterned blanket. The pre-pubescent minor male is wearing black shorts which are raised up exposing his penis and part of this testicles. The adult male ejaculates on the minor male’s shorts and exposed upper thigh.
- c. **1930.jpeg** – this color picture depicts a blond pre-pubescent male in red underwear sitting on a mattress covered by a blue, white, and gray camouflage comforter. The pre-pubescent male is holding a controller for a gaming system while looking up at BEVILL, who has his shorts pulled down exposing his penis. Your Affiant recognized BEVILL in the photograph due to part of the distinct tattoo on his left forearm being visible in the picture.
- d. **1937.jpeg** – this color picture depicts a blond pre-pubescent male who appears to be asleep on his back on a beige couch. His chest is covered by a burgundy, black, and white blanket. A hand is pulling the minor pre-pubescent male’s short and underwear down to expose his erect penis. The blond pre-pubescent male appears to be the same one that is in the picture titled 1930.jpeg.

9. Based upon your Affiant's review of these visual depictions, as well as others, I was able to recognize the defendant as the individual in the visual depictions. Also, the images of BEVILL in these visual depictions, match other photographs of BEVILL located, for instance, on his Facebook account.

10. Further, based on your Affiant's review of the visual depictions, it appears that BEVILL used an electronic device such as a cellular phone to capture the depictions referenced above.

11. Your Affiant also reviewed portions of the Telegram chats between "**Mac**" and "**Baseball Luvr**". The following abbreviated excerpts from the July 4, 2023 conversation between "**Mac**" and "**Baseball Luvr**" using the Telegram application included the following exchange: "**Baseball Luvr**" states: "Fuck I love [VICTIM 1]!" "**Mac**" replied: "I hear ya bud. I'm pretty mad about you". Their conversation continues that same day with "**Baseball Luvr**" telling "**Mac**": "Man I wish you had popped it in there!!!". "**Mac**" responds: "Oh me too", "Soon I'll get it on cam". "**Baseball Luvr**" responds: "I hope so! Will be so hot!", "Think he will let ya?", "Or you gonna hope you make him sleep deeply?", and "Also, be prepared to cum as soon as it pops through!". In response, "**Mac**" states: "Hope he will", and "Otherwise I'll go for it during sleepy time". "**Baseball Luvr**" then states to "**Mac**": "If you do this, make sure he's heavily drugged? You don't want him to wake up". "**Mac**" responds to "**Baseball Luvr**" and messages "**Baseball Luvr**" stating: "But...on a serious note... drugged with what?", and further states, "I tried a couple Benadryl recently and that didn't work".

“**Baseball Luvr**” responds with, “Heavy dose of melatonin”, and “Use adult dosage and if that doesn’t work, double it.”

12. There were multiple other conversations between “**Mac**” and “**Baseball Luvr**” on various dates. For instance, on or about August 8, 2023 “**Mac**” sent a picture to “**Baseball Luvr**” Telegram’s account, and in the image BEVILL’s face can be seen. In response to receiving this image, “**Baseball Luvr**” responds: “Mmmmmmm needing man sex and boy sex!!!”. “**Mac**” responds: “100%”.

13. Based on the foregoing, there is probable cause to believe that BEVILL violated Title 18 United States Code Section 2251(a).



S. R. Miller
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed telephonically
this 8th day of September, 2023.



HONORABLE H. KENNETH SCHROEDER JR.
UNITED STATES MAGISTRATE JUDGE